

OFFICIAL COPY

Fresno, California

April 16, 2002

The City Council met in regular session at the hour of 8:34 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Acting President
	Sal Quintero	Councilmember
	Henry Perea	Council President
Absent:	Jerry Duncan	Councilmember (Out of town on official business)
	Dan Ronquillo	Councilmember (Out of town on official business)

Dan Hobbs, City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

City Manager Hobbs gave the invocation and an audience member led the Pledge of Allegiance to the Flag.

PROCLAMATION OF PG&E HISPANIC EMPLOYEES ASSOCIATION DAY - ACTING PRESIDENT CASTILLO

PRESENTATION OF PROCLAMATIONS TO FRESNO HIGH SCHOOL STUDENTS - COUNCILMEMBER BOYAJIAN

PROCLAMATION OF NATIONAL ORGAN DONOR MONTH

PROCLAMATION OF CLEAN AIR MONTH

PROCLAMATION OF SCOTT HENRY FOULGER DAY

(ADD ON) PROCLAMATION OF PUBLIC SAFETY TELECOMMUNICATIONS WEEK - COUNCILMEMBER QUINTERO

The above proclamations were read and presented.

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APPROVE MINUTES OF APRIL 9, 2002

On motion of Councilmember Calhoun, seconded by Councilmember Castillo, duly carried, RESOLVED, the minutes of April 9, 2002, approved as submitted.

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APPROVE AGENDA:

City Clerk Klisch advised members of the Joint Powers Financing Authority were erroneously listed and clarified the members were Mayor Autry, President Perea and Councilmember Duncan. So noted.

REQUEST TO GET UPDATE ON NEGOTIATIONS THIS DATE ON CLOSED SESSION ITEM "A", CONFERENCE WITH LABOR NEGOTIATOR, AND DELAY ACTION/DIRECTION TO APRIL 23, 2002, FOR A FULL COUNCIL - COUNCILMEMBER QUINTERO

Request to be considered in closed session.

On motion of Councilmember Calhoun, seconded by Councilmember Quintero, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Perea
Noes	:	None
Absent	:	Duncan, Ronquillo

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ADOPT CONSENT CALENDAR:

(1-A) RESOLUTION NO. 2002-122 - AUTHORIZING A SITE LICENSE AGREEMENT BETWEEN THE CITY, THE POLICE DEPARTMENT AND VERIZON WIRELESS TO USE PROPERTY PROVIDED BY VERIZON WIRELESS FOR EQUIPMENT TO BE USED AND MAINTAINED BY THE POLICE DEPARTMENT, AND AUTHORIZE EXECUTION OF DOCUMENTS

(1-B) AWARD A CONTRACT TO INSITUFORM TECHNOLOGIES, INC., OF CHESTERFIELD, MISSOURI, IN THE AMOUNT OF \$504,910 FOR REHABILITATION OF WASTEWATER COLLECTION SYSTEM BY METHOD OF CURED IN PLACE PIPE IN MCKINLEY AVENUE FROM PEACH TO WINERY AVENUES

(1-C) RESOLUTION NO 2002-123 - AUTHORIZING THE SUBMITTAL OF FUNDING REQUESTS TO THE DEPARTMENT OF CONSERVATION (DOC) FOR THE CITY/COUNTY PAYMENT PROGRAM 2001-2002 - 2002-2003, AND AUTHORIZE THE SOLID WASTE MANAGER TO EXECUTE AGREEMENTS AND CONTRACTS TO IMPLEMENT THE GRANTS WHICH WOULD ALLOW THE CITY TO CONTINUE TO PROVIDE BEVERAGE CONTAINER COLLECTION AND EDUCATION PROGRAMS

(1-D) * RESOLUTION NO. 2002-124 - 90TH AMENDMENT TO AAR 01-200 TRANSFERRING \$10,000 IN APPROPRIATION AUTHORITY FROM DISTRICT TWO'S INFRASTRUCTURE TO THE PARKS DEPARTMENT FOR IMPROVEMENTS TO A POCKET PARK IN DISTRICT TWO

(1-E) APPROVE AGREEMENT 1032(G)-R-16 WITH THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT FOR CONSTRUCTION OF STORM DRAINAGE FACILITIES ON CHESTNUT AVENUE NORTH OF BEHYMER, ADJACENT TO THE NEW SURFACE WATER TREATMENT PLANT

(1-F) APPROVE AN AGREEMENT WITH THE CITY OF CLOVIS FOR CONSTRUCTION OF A COMMUTER BIKE AND PEDESTRIAN TRAIL ON THE FORMER SOUTHERN PACIFIC RAILROAD RIGHT-OF-WAY (DIVIDING THE PROJECT OVERSITE DUTIES ON THE CONSTRUCTION OF THE CITY OF FRESNO SUGAR PINE TRAIL AND THE CITY OF CLOVIS OLD TOWN TRAIL GAP PROJECT), AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN ON BEHALF OF THE CITY

1. * RESOLUTION NO. 2002-125 - 92ND AMENDMENT TO AAR 01-200 APPROPRIATING \$299,600 FOR PROJECT CONSTRUCTION COSTS

(1-G) * RESOLUTION NO. 2002-126 - 91ST AMENDMENT TO AAR 01-200 APPROPRIATING \$700,000 FOR UNANTICIPATED INCREASED COSTS OF WORKERS' COMPENSATION CLAIMS

(1-I) RESOLUTION NO. 2002-127 - AUTHORIZING SUBMITTAL OF A GRANT APPLICATION FOR \$1,200,000 TO THE CALIFORNIA PARKS AND RECREATION DEPARTMENT UNDER THE LAND AND WATER CONSERVATION FUND FOR IMPROVEMENTS ON LAND ADJACENT TO VICTORIA WEST NEIGHBORHOOD PARK, AND AUTHORIZE THE PARKS AND RECREATION DIRECTOR OR DESIGNATED AUTHORIZED REPRESENTATIVE TO EXECUTE AND SUBMIT ALL DOCUMENTS, INCLUDING BUT NOT LIMITED TO APPLICATIONS, AGREEMENTS, AMENDMENTS AND PAYMENT REQUESTS WHICH MIGHT BE NECESSARY FOR THE COMPLETION OF THIS PROJECT

On motion of Acting President Castillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Perea
Noes	:	None
Absent	:	Duncan, Ronquillo

CONSENT CALENDAR - BILL FOR INTRODUCTION/RESOLUTION FOR ADOPTION:

(2A) * BILL NO. B-19 - REPEALING ARTICLE 29 OF CHAPTER 2 AND ADDING ARTICLE 29 TO CHAPTER 2 TO THE FRESNO MUNICIPAL CODE RELATING TO SHORT TERM LEASING OF OFFICE AND STORAGE SPACE

1. * RESOLUTION NO. 2002-128 - 390TH AMENDMENT TO MFS RES. 80-420 ADDING STORAGE/OFFICE RENTAL RATES FOR CONVENTION CENTER FACILITIES

On motion of Acting President Castillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Bill No. B-19 introduced and laid over, and the above entitled Resolution No. 2002-128 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Perea
Noes	:	None
Absent	:	Duncan, Ronquillo

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REQUEST STAFF TO SCHEDULE IN CLOSED SESSION IN ONE WEEK THE ISSUE OF A TENTATIVE LAWSUIT AGAINST MADERA COUNTY RELATIVE TO THEIR DEVELOPMENT PROJECT - COUNCILMEMBER BOYAJIAN

Request made.

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CONTESTED CONSENT CALENDAR:

(1-H) RESOLUTION NO. 2002-129 - AUTHORIZING SUBMITTAL OF A GRANT APPLICATION TO THE MURRAY-HAYDEN URBAN PARKS AND YOUTH SERVICE PROGRAM UNDER THE SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR AND COASTAL PROTECTION BOND ACT OF 2000 FOR A YOUTH DEVELOPMENT CENTER AT DICKEY PLAYGROUND

Parks and Recreation Director Primavera and City Manager Hobbs clarified issues and/or responded to questions of Councilmembers Boyajian, Calhoun and President Perea relative to the center's upkeep and operating costs, funding source, the project's future CDBG funding restraints, the grant and match funds, **(2 - 0)** name of the center being "Dickey Playground Youth Development Center", identification of project funds, why Dickey Playground was chosen for the center, accessing a grant to augment existing funds for a senior center being planned at one of the city's parks, Propositions 40 and 12, utilizing the Redevelopment Agency's grant writer, and Quigley Playground being an ideal site for a senior center and acquiring property.

On motion of Councilmember Quintero, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Resolution No. 2002-129 hereby adopted, and the Parks and Recreation Director or designee authorized to execute and submit all documents, including but not limited to applications, agreements, amendments and payment requests which might be necessary for the completion of this project, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Perea
Noes	:	None
Absent	:	Duncan, Ronquillo

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(9:00 A.M.) WORKSHOP ON COMMUNITY FACILITIES DISTRICTS (CFDs)

Parks and Recreation Director Primavera and Parks Manager McHatten presented the workshop and along with Assistant Public Works Director Holmes, City Manager Hobbs and Assistant City Attorney Hale responded to Council questions at length relative to the process, intent of CFDs and Landscaping & Lighting Maintenance Districts (LLMDs), if the system worked and if adequate fees were being charged for the maintenance service, Mello-Roos (M-R) Districts, what the levels of maintenance were and how that determination was made, if there were minimum and maximum standards on new development, District 5 median island planting schedule, neighborhood associations performing their own maintenance, utilizing volunteers, if UGM maintenance fees had been considered, if M-Rs could be started in

older neighborhoods, the M-R process and cost for preliminary work, if LLMDs and CFDs were getting the same levels of service, **(3 - 0)** who was responsible for picking up palm fronds, geo-base assignments, staffing ratios, if the adult offender crews were used to the maximum extent possible, the First and Herndon project, and if any one district subsidized any other relative to manpower. There was no further discussion.

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(9:45 A.M.) ESTABLISH A COUNCIL SUBCOMMITTEE TO PROMOTE FRESNO/CLOVIS SEWER CAPACITY NEGOTIATIONS - PRESIDENT PEREA

Briefly reviewed by President Perea who advised Clovis asked Fresno to establish a committee to discuss the issue which he noted was an important issue for both communities, stated this would be a very short-term committee, questioned if establishing a Council committee would be an impediment, with Public Utilities Director McIntyre stating it would not, and along with Mr. McIntyre and City Manager Hobbs responded to questions/concerns of Councilmember Calhoun relative to what the intent of establishing the committee was, if staff was unable to reach deal points, if this would help expedite the process, and concern with Council as a political body dealing with administrative issues. By Council consensus President Perea and Councilmember Calhoun were named to the committee.

Barbara Hunt, 612 “F” Street, spoke to the issue and there was no further discussion.

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(10:00 A.M.) HEARING TO CONSIDER CIVIC CENTER SQUARE’S REQUEST TO VACATE MAIN STREET BETWEEN “N” AND “O” STREETS, A PORTION OF “N” STREET BETWEEN TULARE AND MAIN STREETS, A PORTION OF THE “N-O” ALLEY BETWEEN TULARE AND MAIN STREETS, AND A PUBLIC UTILITY EASEMENT IN THE “N-O” ALLEY ALIGNMENT BETWEEN TULARE AND MAIN STREETS (REQUEST TO CONTINUE BY COUNCILMEMBER DUNCAN)

1. * RESOLUTION - ORDERING THE VACATION OF THE ABOVE

President Perea announced the time had arrived to consider the issue and opened the hearing. Assistant Public Works Director Holmes gave a brief overview of the issue as contained in the staff report as submitted, recommended approval, and along with City Attorney Montoy advised of options available to Council this date due to Councilmember Duncan’s request to continue.

Councilmember Calhoun stated he was surprised to see the issue on the agenda because there was no building, questioned why CCS would request the vacation before they had a package together, and stated he would support continuing the hearing until CCS had their financing in place. Ms. Montoy advised Councilmember Calhoun’s comments were getting more into the merits of the issue and stated if the hearing were continued one week discussion on the merits, concerns, conditions, etc., could take place along with the applicant’s presence. A motion and second was made to continue the hearing one week.

Barbara Hunt, 612 “F” Street, spoke to the issue.

Upon call, no one else wished to be heard and President Perea closed the hearing.

On motion of Councilmember Calhoun, seconded by Councilmember Boyajian, duly carried, RESOLVED, the hearing on the vacation of Main Street between “N” and “O” Streets, a portion of “N” street between Tulare and Main Streets, a portion of the “N-O” alley between Tulare and Main Streets, and a public utility easement in the “N-O” alley alignment between Tulare and Main Streets continued to April 23, 2002, at 11:00 a.m., by the following vote:

Ayes	:	Boyajian, Calhoun, Quintero, Perea
Noes	:	Castillo
Absent	:	Duncan, Ronquillo

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RECESS - 10:35 A.M. - 10:45 A.M.

CLOSED SESSION:

(A) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATIONS:

1. INTERNATIONAL UNION OF OPERATING ENGINEERS, STATIONARY ENGINEERS LOCAL 39 (LOCAL 39)
2. AMALGAMATED TRANSIT UNION, LOCAL 1027 (ATU)
3. FRESNO CITY EMPLOYEES ASSOCIATION (FCEA)
4. FRESNO AIRPORT PEACE OFFICERS/FIREFIGHTERS ASSOCIATION (FAPOFA)

(B) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAME: BAKMAN WATER COMPANY, INC. V. BOEING NORTH AMERICAN, INC.; CITY OF FRESNO; THE UNITED STATES OF AMERICA, DEPARTMENT OF THE ARMY CORPS OF ENGINEERS, ETC.

The City Council met in Room 2125 at the hour of 10:45 a.m. to consider the above issues and reconvened in regular open session at 11:55 a.m.

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(11:30 A.M.) JOINT MEETING WITH THE FRESNO JOINT POWERS FINANCING AUTHORITY (JPFA)

The City Council met in joint session with the JPFA at the hour of 11: 55 a.m.

(“A”) * JPFA RESOLUTION NO. 15 - AUTHORIZING THE ISSUANCE AND SALE OF LEASE REVENUE REFUNDING BONDS 2002 SERIES A (STREET LIGHT ACQUISITION PROJECT) TO REFINANCE CERTAIN STREET LIGHT IMPROVEMENTS; AUTHORIZING THE PROCUREMENT OF BOND INSURANCE; AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST SUPPLEMENTAL INDENTURE, A FIRST AMENDMENT TO LEASE AGREEMENT, AN ESCROW AGREEMENT, BOND PURCHASE AGREEMENT AND AN OFFICIAL STATEMENT; AND AUTHORIZING THE TAKING OF ALL NECESSARY ACTIONS RELATING TO THE ISSUANCE OF BONDS (AUTHORITY ACTION)

(“B”) * RESOLUTION NO. 2002-130 - APPROVING THE ISSUANCE BY THE FRESNO JOINT POWERS FINANCING AUTHORITY OF LEASE REVENUE REFUNDING BONDS 2002 SERIES A (STREET LIGHT ACQUISITION PROJECT) TO REFINANCE CERTAIN STREET LIGHT IMPROVEMENTS OF THE CITY; AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST AMENDMENT TO LEASE AGREEMENT, BOND PURCHASE AGREEMENT, OFFICIAL STATEMENT AND CONTINUING DISCLOSURE CERTIFICATE; AND AUTHORIZING EXECUTION OF DOCUMENTS AND THE TAKING OF ALL NECESSARY ACTIONS RELATING TO THE FINANCING (COUNCIL ACTION)

(“C”) * RESOLUTION NO. 2002-131 - AUTHORIZING THE ISSUANCE OF CITY OF FRESNO JUDGEMENT OBLIGATION REFUNDING BONDS, SERIES 2002; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A SUPPLEMENT TRUST AGREEMENT, CONTINUING DISCLOSURE CERTIFICATE, CONTRACT OF PURCHASE AND OFFICIAL STATEMENT; AND AUTHORIZING MATTERS RELATED THERETO (COUNCIL ACTION)

Controller Quinto reviewed the issue as contained in the staff reports as submitted and recommended approval.

Barbara Hunt, 612 “F” Street, spoke to the issue.

On motion of Member/Mayor Autry, seconded by Member Perea, duly carried, RESOLVED, the above entitled JPFA Resolution No.15 hereby adopted, by the following vote:

Ayes	:	Autry, Perea
Noes	:	None
Absent	:	Duncan

Brief discussion ensued with Ms. Quinto and City Attorney Montoy recognizing key staff and introducing the bond underwriter and the stadium bond counsel, and responding to questions relative to how the underwriter was selected and the RFP process.

On motion of Councilmember Calhoun, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Resolution Nos. 2002-130 and 2002-131 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Perea
Noes	:	None
Absent	:	Duncan, Ronquillo

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UNSCHEDULED ORAL COMMUNICATIONS

APPEARANCE BY BARBARA HUNT THANKING THE MAYOR, CITY COUNCIL AND CITY MANAGER FOR THEIR WORK

Appearance made.

APPEARANCE GLORIA TORREZ REGARDING: (1) NEED FOR FAX MONIES TO REMAIN WITH FAX, (2) BUS SHELTER LIGHTING, (3) INCREASED FREQUENCIES ON LINE 38; (4) CLEAN AIR DIESEL BUSES; AND (5) THE FAX FAIR INCREASE AND HARDSHIP ON RIDERS

Appearance made.

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 12:12 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

APPROVED on the 23rd day of April, 2002.

_____ ATTEST: _____	
Henry Perea, Council President	Yolanda Salazar, Assistant City Clerk